



PohlmanUSA[®]
Court Reporting and
Litigation Services

Mary Bolden

June 20, 2023

Patrick Romano, et al.

vs.

Torch Electronics, LLC, et al.

<p>1 Q. Do you recall approximately what time of day 2 it was? 3 A. I do not. 4 Q. It could have been morning, afternoon, 5 evening. You have no idea? 6 A. No -- I mean, no, I have no idea. Because I 7 go any time of the day depending on what I'm doing. 8 Q. When you first saw this device that you 9 played, did you review any kind of documents or 10 statements, even on the machine itself, that Torch put 11 out about how these devices work or what you can 12 expect to do as a player? 13 A. No. 14 Q. So, is it fair to say that you didn't rely 15 on anything Torch said when you decided to play the 16 Torch device? 17 A. Repeat that. 18 Q. Sure. You didn't rely on anything Torch 19 said when you choose to play the Torch device. 20 A. No, I just thought it was a slot machine. 21 Q. And similarly, every time you've played 22 Torch devices since then, the same is true, correct? 23 You didn't rely on anything Torch said? 24 A. No. 25 Q. Meaning that's accurate?</p> <p>14</p>	<p>1 Torch device. 2 Q. To this day, do you know if you've ever 3 actually played a Torch device? 4 A. Yes. 5 Q. How do you know that you've played Torch 6 devices? 7 A. My lawyers. 8 Q. So, the only basis on which you're 9 testifying you played a Torch device is your lawyer 10 told you it was a Torch device? 11 A. Yes. I don't know what they -- who owns 12 what. So. I rely on my lawyers to find that out. 13 Q. How many times have you played Torch 14 devices? 15 A. Over a hundred times. 16 Q. Where do you play? 17 Let me rephrase that. 18 Where have you played? 19 A. I've played at Wellston Market, BP, 20 petroleum. I don't know exactly. It's the Phillips 21 66 on Natural Bridge and Jennings Station Road. 22 Q. Do you know Mohammed Almuttan? 23 A. I do not. 24 Q. To the best of your knowledge, have you ever 25 communicated in any way, shape, or form with Mohammed</p> <p>16</p>
<p>1 A. Yeah. 2 Q. Okay. Ms. Bolden, when you played this 3 Torch device the first time, how much money did you 4 play? 5 A. About 60 bucks. 6 Q. And what do you recall playing, as far as 7 the game or the nature of the game? 8 A. You're saying what's on it like? 9 Q. Yes. What do you recall about the game 10 itself? Do you recall anything about graphics or 11 sounds or pictures? 12 A. Yeah. I just thought, you know -- 13 Q. Themes? 14 A. Thought that it was just a regular slot 15 machine that it just, you know, I didn't know that it 16 couldn't -- you can only -- you can't cash out certain 17 things. 18 And I just thought it was just like a 19 regular slot machine like. The features that, you 20 know, animals, whatever, whatever -- I mean, it 21 just -- it really didn't matter what was on it, like, 22 you know, I just -- I was looking for the payout. 23 Q. How do you know it was a Torch device? 24 A. I did not know it was a Torch device. My 25 lawyer -- you know, once my lawyer told me it was a</p> <p>15</p>	<p>1 Almuttan? 2 A. Not to my knowledge. 3 Q. If Mohammed Almuttan were sitting in this 4 room today, would you know if he was here? 5 A. No. 6 Q. Have you ever interacted with a company 7 called Mally, Inc.? 8 A. Not to my knowledge. 9 Q. Have you ever been to a store called Mally's 10 Supermarket? 11 A. Yes, I have. 12 Q. When have you been to Mally's Supermarket? 13 A. I go there frequently. 14 Q. What do you do at Mally's Supermarket? 15 A. Shop. 16 Q. What do you buy? 17 A. Groceries. 18 Q. Is it fair to say that when you go to 19 Mally's Supermarket you go there just to shop for 20 groceries? 21 A. Basically, because of the -- the high crime 22 there. I don't want to play slots there because of 23 the activities that goes on there. 24 Q. So, to be clear, you're testifying that you 25 have not played any Torch devices, if there are any,</p> <p>17</p>

<p>1 at Mally's Supermarket?</p> <p>2 A. No.</p> <p>3 Q. Meaning that's correct?</p> <p>4 A. Correct.</p> <p>5 Q. Okay. So, when you go to Mally's</p> <p>6 Supermarket, it's just to buy groceries, those kinds</p> <p>7 of things, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. When you go to Mally's Supermarket</p> <p>10 and pay for things like groceries, how do you pay for</p> <p>11 them?</p> <p>12 A. Cash.</p> <p>13 Q. Do you use credit cards or debit cards or</p> <p>14 anything like that?</p> <p>15 A. No.</p> <p>16 Q. How frequently do you go to Mally's</p> <p>17 Supermarket?</p> <p>18 A. Frequently.</p> <p>19 Q. Every week or every two weeks?</p> <p>20 A. Maybe two.</p> <p>21 Q. Okay. Do you live near Mally's Supermarket?</p> <p>22 A. I do.</p> <p>23 Q. Is that why you go there?</p> <p>24 A. Yes.</p> <p>25 Q. Is it fair to say it's a convenient place</p> <p style="text-align: right;">18</p>	<p>1 the machines are illegal, then it affects me.</p> <p>2 Q. And just to be clear, why did you sue Mally,</p> <p>3 Inc.?</p> <p>4 A. They are included in the lawsuit as well.</p> <p>5 Q. Yeah. I'm asking why.</p> <p>6 A. I don't know their -- their actual</p> <p>7 connection with ownership or whatever, but he's</p> <p>8 included -- it's included in the lawsuit. So I feel</p> <p>9 the same way about Mally's as well.</p> <p>10 Q. Are you claiming to have been injured or</p> <p>11 damaged in any way, shape, or form by Mally, Inc.?</p> <p>12 A. Yes.</p> <p>13 Q. How?</p> <p>14 A. Because of the slot machines.</p> <p>15 Q. Which you've testified under oath today</p> <p>16 you've never played at Mally, Inc.</p> <p>17 A. Well, I -- he's -- I don't know his</p> <p>18 position. Like I said, I don't know his position as</p> <p>19 far as where he fall in at in line as a -- I mean, as</p> <p>20 a -- an ownership with Torch. That's who I'm -- you</p> <p>21 know.</p> <p>22 Q. So let's break that down for a second,</p> <p>23 please.</p> <p>24 A. Uh-huh.</p> <p>25 Q. Is it your understanding that Mohammed</p> <p style="text-align: right;">20</p>
<p>1 within the neighborhood to buy groceries?</p> <p>2 A. If you -- yeah, if you just need something</p> <p>3 right then.</p> <p>4 Q. There's not a lot of similar stores near</p> <p>5 there, correct?</p> <p>6 A. It is in my neighborhood. There's more</p> <p>7 stores there, but...</p> <p>8 Q. Okay. You testified that you don't know</p> <p>9 Mohammed Almuttan.</p> <p>10 Are you claiming to have been injured or</p> <p>11 damaged in any way, shape, or form in connection with</p> <p>12 this lawsuit by Mohammed Almuttan individually?</p> <p>13 A. Individually?</p> <p>14 Q. Yes.</p> <p>15 A. I -- I admit I don't know him. But I've</p> <p>16 read that he's in the lawsuit. I don't know him</p> <p>17 personally.</p> <p>18 Q. Why did you sue Mohammed Almuttan?</p> <p>19 A. Because of the devices. The -- because of</p> <p>20 the slot machines that are in the -- my local stores.</p> <p>21 Q. What is your understanding -- what are you</p> <p>22 claiming Mohammed Almuttan has to do with what you</p> <p>23 call the slot machines in your local stores?</p> <p>24 A. I'm not sure his position as far as</p> <p>25 ownership or any of that. But I just think that if</p> <p style="text-align: right;">19</p>	<p>1 Almuttan is named in this lawsuit because he has an</p> <p>2 ownership interest of Torch?</p> <p>3 A. I'm not exactly sure if he's the ownership</p> <p>4 of it or -- or he -- I -- I don't know his exact --</p> <p>5 what exactly his position as far as Torch. So, he's</p> <p>6 listed in -- in the lawsuit, so I -- I'm assuming he's</p> <p>7 a part of Torch in some type of way.</p> <p>8 Q. Without assuming anything, because I just</p> <p>9 want you to testify to what you know and what you</p> <p>10 don't know. And if you don't know, and that's an</p> <p>11 honest answer, that's a fine answer.</p> <p>12 What I want to ask you is this: Sitting</p> <p>13 here today, are you claiming that Mohammed Almuttan or</p> <p>14 Mally's Supermarket caused you any injury or damages</p> <p>15 in any way, shape, or form that you know about?</p> <p>16 A. I'm not sure.</p> <p>17 Q. So, is it fair to say that if, in fact, they</p> <p>18 did, you can't tell us how or what sitting here today,</p> <p>19 correct?</p> <p>20 A. Not if I don't know their position.</p> <p>21 Q. In terms of Torch?</p> <p>22 A. Torch. If they're connected with Torch.</p> <p>23 Q. Meaning if they have an ownership interest</p> <p>24 in Torch? I'm trying to understand what you're</p> <p>25 saying.</p> <p style="text-align: right;">21</p>

<p>1 A. Yeah.</p> <p>2 Q. Okay. How did you first become involved in</p> <p>3 this lawsuit?</p> <p>4 A. I was speaking with a lawyer about some</p> <p>5 tickets and just jokingly with him about the -- him --</p> <p>6 me giving him my casino money or my, you know, my slot</p> <p>7 money.</p> <p>8 And he said how often do you play, and do</p> <p>9 you play here. And he said I can refer you to</p> <p>10 somebody. And that's when he referred me to a lawyer.</p> <p>11 Q. Was that Mr. Lemp?</p> <p>12 A. Yes.</p> <p>13 Q. So, was the idea of filing this lawsuit --</p> <p>14 let me rephrase that.</p> <p>15 Was the idea of referring you to talk to a</p> <p>16 lawyer about this lawsuit your idea or Mr. Lemp's</p> <p>17 idea?</p> <p>18 A. Well, both, really.</p> <p>19 Q. Did you go talk to Mr. Lemp to say I've been</p> <p>20 playing Torch devices, and I want to file a lawsuit?</p> <p>21 A. I did not.</p> <p>22 Q. Mr. Lemp was the one that brought that up,</p> <p>23 correct?</p> <p>24 A. Yes.</p> <p>25 Q. And then Mr. Lemp referred you to the</p> <p style="text-align: right;">22</p>	<p>1 A. Yes.</p> <p>2 Q. And approximately when was that?</p> <p>3 A. I can't give you the exact date. I'm sure</p> <p>4 it's on file. My lawyers probably -- the exact -- I</p> <p>5 don't -- I cannot think. February maybe. I'm not</p> <p>6 sure exactly.</p> <p>7 Q. Of 2023?</p> <p>8 A. Yeah.</p> <p>9 Q. Okay. Based on your review of Exhibit 1,</p> <p>10 and in particular the facts, as opposed to the law</p> <p>11 that's stated, is everything in there true?</p> <p>12 A. Best of my knowledge. As far as what I --</p> <p>13 what I can understand.</p> <p>14 Q. Okay. I'm going to show you -- before I get</p> <p>15 there for a second.</p> <p>16 Do you know any of these other Plaintiffs</p> <p>17 that are listed there in addition to your name as</p> <p>18 Plaintiff?</p> <p>19 A. I do.</p> <p>20 Q. Who do you know?</p> <p>21 A. Monica McGee.</p> <p>22 Q. How do you know Monica McGee?</p> <p>23 A. We work together.</p> <p>24 Q. Where do you work with Monica McGee?</p> <p>25 A. Air Products & Chemicals.</p> <p style="text-align: right;">24</p>
<p>1 lawyers that are representing you in this case.</p> <p>2 A. Yes.</p> <p>3 Q. With respect to this particular lawsuit, I'm</p> <p>4 going to show you what we've previously marked as</p> <p>5 Exhibit 1.</p> <p>6 (Exhibit 1 was identified.)</p> <p>7 A. Uh-huh.</p> <p>8 Q. (By Attorney Gelfand) Do you have Exhibit 1</p> <p>9 in front of you, ma'am?</p> <p>10 A. I do.</p> <p>11 Q. Do you recognize Exhibit 1?</p> <p>12 A. I do.</p> <p>13 Q. Is Exhibit 1 a copy of the Complaint that</p> <p>14 you're named as a Plaintiff in, in this case?</p> <p>15 A. Say that again.</p> <p>16 Q. Sure. Is Exhibit 1 a copy of the Complaint</p> <p>17 that you're named as a Plaintiff in, in this case?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. When's the first time you saw</p> <p>20 Exhibit 1?</p> <p>21 A. I don't know the exact date.</p> <p>22 Q. To this day, have you ever reviewed</p> <p>23 Exhibit 1 in its entirety?</p> <p>24 A. I have.</p> <p>25 Q. Did you review it prior to it being filed?</p> <p style="text-align: right;">23</p>	<p>1 Q. How long have you known Ms. McGee?</p> <p>2 A. Well, nine years. Since I got -- since I --</p> <p>3 when I started there.</p> <p>4 Q. Did you bring her into this lawsuit?</p> <p>5 A. No. We were actually together, both</p> <p>6 laughing, taking care of some business with Mr. Lemp.</p> <p>7 Q. You and Monica McGee went to Mr. Lemp</p> <p>8 together?</p> <p>9 A. Yeah. We was taking care of some tickets</p> <p>10 for our kids.</p> <p>11 Q. For your kids?</p> <p>12 A. Uh-huh.</p> <p>13 Q. Okay. And when was that meeting with</p> <p>14 Mr. Lemp?</p> <p>15 A. I don't know. I can't recall.</p> <p>16 Q. Approximately? When was it in relation to</p> <p>17 when the lawsuit was filed?</p> <p>18 A. It's been months. I guess maybe February or</p> <p>19 so. I'm not quite sure exact -- the exact date.</p> <p>20 Q. Did Ms. McGee, in your presence, bring up</p> <p>21 the idea that she wanted to sue any of the Defendants</p> <p>22 named in this lawsuit?</p> <p>23 A. No. We were just laugh- -- like I said, we</p> <p>24 were just laughing and joking about paying him. And,</p> <p>25 you know, about -- you know, like I told you, the</p> <p style="text-align: right;">25</p>

<p>1 casino money, and da-da-da, and then that's -- this</p> <p>2 all just happened.</p> <p>3 Q. And just to be clear, when you were joking</p> <p>4 about paying Mr. Lemp, meaning for your kids' tickets?</p> <p>5 A. For the tickets. Yeah.</p> <p>6 Q. For his legal fees?</p> <p>7 A. Yeah.</p> <p>8 Q. And you were joking about paying him with</p> <p>9 gambling proceeds?</p> <p>10 A. With all the casino money.</p> <p>11 Q. Okay. Were you talking about Torch money</p> <p>12 too?</p> <p>13 A. I mean, if -- it's gambling money, put it</p> <p>14 that way.</p> <p>15 Q. So, were you talking about Torch money?</p> <p>16 A. I mean, if Torch -- Torch probably got some</p> <p>17 too. We just say casino. We don't say Torch money.</p> <p>18 It's gambling. So, we don't just say -- it's casino</p> <p>19 all to me. So.</p> <p>20 Q. And is that how you paid Mr. Lemp?</p> <p>21 A. I paid him with some of my cash from my ATM</p> <p>22 fee -- from my ATM.</p> <p>23 Q. When you played Torch devices, were there</p> <p>24 times where you pushed the button and you won money?</p> <p>25 A. Maybe \$5 or something. I've never -- like I</p> <p style="text-align: right;">26</p>	<p>1 and played -- and I'm making this up -- for</p> <p>2 half-an-hour at a time, are there sessions where you</p> <p>3 ended up with more money than you started with?</p> <p>4 A. No.</p> <p>5 Q. So help me understand this. Why do you keep</p> <p>6 playing these devices every single week if you don't</p> <p>7 make any money ever?</p> <p>8 A. Because that's what I like to do.</p> <p>9 Q. Because it's entertainment?</p> <p>10 A. Uh --</p> <p>11 Q. You enjoy it?</p> <p>12 A. Some people call it that.</p> <p>13 Q. Some people play for entertainment, correct?</p> <p>14 Some people play for entertainment, correct?</p> <p>15 A. Yeah.</p> <p>16 Q. Is it fair to say that you played this</p> <p>17 device, when you play it, for your own reasons, other</p> <p>18 people play for different reasons?</p> <p>19 A. I can't -- yeah. I can't speak for those</p> <p>20 people. I can speak for me.</p> <p>21 Q. Sure. And the reason you can't speak for</p> <p>22 those people is cause we would have to talk to each of</p> <p>23 them individually to figure out why they play the</p> <p>24 device, correct?</p> <p>25 A. Right. I play to win money.</p> <p style="text-align: right;">28</p>
<p>1 couldn't -- I don't consider it winning because --</p> <p>2 Q. Just answer my question, please, if you</p> <p>3 would. And if you don't understand it, I'll rephrase</p> <p>4 it.</p> <p>5 When you played these devices, you push a</p> <p>6 button and then the game plays, correct?</p> <p>7 A. Uh-huh. And I won a few dollars, yeah.</p> <p>8 Q. Okay. So, is it fair to say that sometimes</p> <p>9 when you play the device you've won, sometimes you've</p> <p>10 lost?</p> <p>11 A. No, I'm not gonna say that.</p> <p>12 Q. Let's break this down for a second. Are</p> <p>13 there times when you push the button and you won?</p> <p>14 A. Uh-huh.</p> <p>15 Q. "Yes?"</p> <p>16 A. Yeah.</p> <p>17 Q. And I'm not trying to be rude. The court</p> <p>18 reporter has to take down "yes's" or "no's" for the</p> <p>19 record.</p> <p>20 A. I understand what you're saying.</p> <p>21 Sometimes it gives me five. But then it</p> <p>22 takes ten. I get what you're saying.</p> <p>23 Q. Meaning on the next turn?</p> <p>24 A. Yeah.</p> <p>25 Q. Are there sessions, meaning if you sat down</p> <p style="text-align: right;">27</p>	<p>1 Q. Okay. And some people might play for</p> <p>2 different reasons, correct?</p> <p>3 A. Maybe. I'm sure.</p> <p>4 Q. You might play for 20 minutes, they might</p> <p>5 play for one minute, correct?</p> <p>6 A. Absolutely.</p> <p>7 Q. You might win, they might lose, and vice</p> <p>8 versa, correct?</p> <p>9 A. Absolutely.</p> <p>10 Q. You might rely on -- you testified you don't</p> <p>11 rely on what Torch says about how these devices work,</p> <p>12 but other people may, correct?</p> <p>13 A. Yes.</p> <p>14 Q. This would all require an individualized</p> <p>15 inquiry from every single one of these Torch players.</p> <p>16 You're not here to tell us something on behalf of all</p> <p>17 of them, correct? You can only testify for yourself,</p> <p>18 correct?</p> <p>19 A. Sure.</p> <p>20 Q. Now, Ms. Bolden, when you played these Torch</p> <p>21 devices, are you claiming that any of the devices were</p> <p>22 rigged?</p> <p>23 A. I think so.</p> <p>24 Q. Why do you think that?</p> <p>25 A. Because it doesn't -- it doesn't payout.</p> <p style="text-align: right;">29</p>

<p>1 that's true or not true?</p> <p>2 A. That's not -- I -- that's not my position.</p> <p>3 I don't -- that -- that's -- that's for my lawyers to</p> <p>4 do. Whatever is in that packet that I read, I'm</p> <p>5 relying on that. It is --</p> <p>6 Q. What are you hoping to get out of this</p> <p>7 lawsuit?</p> <p>8 A. Well, I would like the Torch machines to be</p> <p>9 removed from my neighborhood because it's affecting my</p> <p>10 neighborhood, my elderly people. And -- and to</p> <p>11 recover some of my losses.</p> <p>12 Q. Are you hoping to get more because you are</p> <p>13 asking to be permitted to serve as a class</p> <p>14 representative in this lawsuit?</p> <p>15 A. No.</p> <p>16 Q. Has it been suggested to you by anyone that</p> <p>17 you could get more -- and I'm not saying illegally,</p> <p>18 I'm saying legally -- with, you know, various -- with</p> <p>19 court approval by serving as a class representative?</p> <p>20 A. No.</p> <p>21 Q. You said your -- your primary goal, if I</p> <p>22 heard you correctly, but correct me if I'm wrong, is</p> <p>23 that you want these devices off the street, so to</p> <p>24 speak --</p> <p>25 A. Yeah --</p> <p style="text-align: right;">38</p>	<p>1 right. I'm a typical player. This is what I -- I do</p> <p>2 it -- I mean, you know, I'm -- I'm -- I'm just</p> <p>3 typical. I just -- I don't know how to explain that</p> <p>4 to you.</p> <p>5 Q. Have you ever been diagnosed with having a</p> <p>6 gambling addiction?</p> <p>7 A. No.</p> <p>8 Q. Do you consider yourself as someone who has</p> <p>9 a gambling addiction?</p> <p>10 A. No.</p> <p>11 Q. Okay. Is it fair to say that every time you</p> <p>12 play Torch devices you do it voluntarily?</p> <p>13 A. I do.</p> <p>14 Q. In other words, no one forces you to play</p> <p>15 them? No one is holding a gun to your head.</p> <p>16 A. No.</p> <p>17 Q. Okay. And every time that you've played</p> <p>18 Torch devices voluntarily, you don't believe that you</p> <p>19 have an addiction, correct, a gambling addiction?</p> <p>20 A. I wouldn't call it an addiction.</p> <p>21 Q. Okay. Would you agree with me that some</p> <p>22 Torch users may consider themselves to have an</p> <p>23 addiction or may have been diagnosed with an</p> <p>24 addiction?</p> <p>25 A. Maybe.</p> <p style="text-align: right;">40</p>
<p>1 Q. -- is that correct?</p> <p>2 A. -- be removed.</p> <p>3 Q. Would you agree with me that some Torch</p> <p>4 users don't share that goal?</p> <p>5 A. Maybe.</p> <p>6 Q. Some Torch users want more Torch devices,</p> <p>7 correct?</p> <p>8 A. Maybe. You asked me about my opinions.</p> <p>9 Q. I understand. And some Torch users want</p> <p>10 less Torch devices, correct?</p> <p>11 A. (Nod of head.)</p> <p>12 Q. Some Torch users want the exact same amount</p> <p>13 of Torch devices that exist right now, correct?</p> <p>14 A. Maybe, yeah.</p> <p>15 Q. Is it fair to say that your goals, which I</p> <p>16 understand, differ from the goals of all Torch users?</p> <p>17 In other words, some may agree with you,</p> <p>18 some may disagree with you?</p> <p>19 A. Yes.</p> <p>20 Q. And you're not claiming to be kind of a</p> <p>21 typical Torch user. You may be typical, you may be</p> <p>22 atypical, you don't know. Correct?</p> <p>23 A. No. I feel I'm typical.</p> <p>24 Q. Why are you typical?</p> <p>25 A. I'm -- I'm different from -- of course,</p> <p style="text-align: right;">39</p>	<p>1 Q. That would require an individualized mental</p> <p>2 health inquiry of every one of those people, correct?</p> <p>3 A. I'm not sure.</p> <p>4 Q. In other words, you'd have to talk to their</p> <p>5 psychiatrist or doctor to determine whether they</p> <p>6 actually have an addiction to answer that question,</p> <p>7 correct?</p> <p>8 A. I'm assuming if -- you know, it has to be</p> <p>9 diagnosed if they have -- I guess. I don't know. I</p> <p>10 mean, you know, I just -- I mean, I don't -- I don't</p> <p>11 consider myself as an addict, but I do like to play.</p> <p>12 Q. Tell me everything that Ms. McGee has told</p> <p>13 you about this lawsuit.</p> <p>14 A. She hasn't told me anything. We -- I mean,</p> <p>15 anything like -- she hasn't told me anything about it.</p> <p>16 We -- I mean, we were there. And we laughed about,</p> <p>17 you know --</p> <p>18 Q. Has she told you what she hopes to get out</p> <p>19 of this lawsuit?</p> <p>20 A. No. We just laugh. We -- like we didn't</p> <p>21 know that these machines were illegal. Like really</p> <p>22 like --</p> <p>23 Q. Do you know that they're illegal?</p> <p>24 A. I do now.</p> <p>25 Q. Based on what?</p> <p style="text-align: right;">41</p>

<p>1 Q. Ms. Bolden, have you ever held any 2 certifications or licensures, like from any state 3 agency or governmental agency? 4 A. Any who? 5 Q. Certifications or licensures? 6 A. No. 7 Q. You testified that you gamble fairly 8 consistently in terms of casinos and things like that, 9 correct? 10 A. Correct. 11 Q. Do you report your -- well, not do you. 12 Have you reported your gambling winnings or 13 losses on your federal or state income tax returns? 14 A. I have. 15 Q. Every year? 16 A. No. 17 Q. What years have you reported them? 18 A. 2022 and '21, '21 and '22. 19 Q. Have you included any winnings or losses 20 from Torch devices? 21 A. No. I don't even know how to get those 22 losses or wins. 23 Q. Why have you not reported winnings or losses 24 on tax returns in previous tax years, like 2020 and 25 2019, 2018?</p> <p>50</p>	<p>1 been previously marked as Exhibit 5 for purposes of 2 this deposition. 3 (Exhibit 5 was identified.) 4 Q. (By Attorney Gelfand) Do you see what is 5 identified as Document 35 entitled "Plaintiffs 6 Opposition to Partial Motion to Dismiss" filed by your 7 attorneys in this case? 8 A. Yes. 9 Q. Have you ever seen this document? 10 A. Yes. 11 Q. When did you first see this document? 12 A. I don't have the exact date. 13 Q. Approximately when did you see this 14 document? 15 A. I'm not sure was it in February or not. I'm 16 not good with the date dates. 17 Q. I'm not trying to trick you, but just to 18 understand your testimony. This was filed with the 19 court on May 12th of 2023. 20 A. I don't know -- 21 Q. Are you sure you've actually seen this 22 document? 23 A. Pardon me? 24 Q. Are you sure you've actually seen this 25 document?</p> <p>52</p>
<p>1 A. I -- I mean, I don't know if why I -- okay. 2 Twenty -- 2020 -- what was it? 2021 and '22. 3 So, the previous years, I'm not sure if I 4 had enough losses or whatever to, you know -- but I 5 don't recall. 6 Q. Have you timely filed all of your tax 7 returns in the last six years? 8 A. Oh, yes. 9 Q. How much in total are you claiming to have 10 won or lost in gambling, for example, in 2022? 11 A. From casinos? 12 Q. From total gambling. 13 A. I'm not sure the accurate number for that. 14 Q. How about from casinos? 15 A. I don't have accurate numbers. Are you 16 saying -- you said total overall Torch and casinos? 17 Q. How about just casinos? 18 A. I don't know the numbers of them. 19 Q. How about just casinos? 20 A. I'm not sure. I don't have an accurate 21 number. So, you know. 22 Q. Is the number on your tax return an accurate 23 number? 24 A. Yes, it would be on the tax return. 25 Q. Ms. Bolden, I'm going to show you what's</p> <p>51</p>	<p>1 A. Yeah, I've seen it. 2 Q. Okay. I want to show you starting on the 3 bottom of page 12. 4 A. Uh-huh. 5 Q. Do you see where it says -- and tell me if 6 I'm reading this correctly -- that your lawyers wrote: 7 Except as permitted in a constitutionally authorized 8 casino, gambling is a criminal offense. 9 Did I read that correctly? 10 A. Uh-huh. 11 Q. "Yes?" 12 A. Yes. 13 Q. Quote: A person commits the offense of 14 gambling if he or she knowingly engages in gambling. 15 End quote. 16 And then it cites Section 572.020 of the 17 Revised Statutes of the state of Missouri. 18 Did I read that correctly? 19 A. Yes. 20 Q. And then it says: Yes, consumers -- meaning 21 the Plaintiffs, including you, in this lawsuit, were 22 gambling. 23 Did I read that correctly? 24 A. Yes. 25 Q. Is it your testimony, consistent with what</p> <p>53</p>

<p>1 your lawyers wrote in this lawsuit, that you committed</p> <p>2 the crime of gambling when playing Torch devices?</p> <p>3 A. Yes.</p> <p>4 ATTORNEY GELFAND: I'm going to take a brief</p> <p>5 break for one second and go off the record, if I can.</p> <p>6 And then I don't believe -- if I have anymore</p> <p>7 questions, it's just a handful.</p> <p>8 VIDEOGRAPHER: Okay. Let's go off -- off</p> <p>9 the record at 10:54.</p> <p>10 (Recess.)</p> <p>11 VIDEOGRAPHER: We are back on the record at</p> <p>12 11:04.</p> <p>13 ATTORNEY GELFAND: Elizabeth, are you good</p> <p>14 to go?</p> <p>15 COURT REPORTER: Yes.</p> <p>16 ATTORNEY GELFAND: Perfect. At this point</p> <p>17 in the deposition I don't have any further questions</p> <p>18 for you now. I may have a few follow-up questions for</p> <p>19 you later.</p> <p>20 But Mr. Craig, you're up.</p> <p>21 ATTORNEY CRAIG: All right.</p> <p>22 [CROSS-EXAMINATION]</p> <p>23 QUESTIONS BY ATTORNEY CRAIG:</p> <p>24 Q. Ms. Bolden, hi. My name is Aaron Craig, and</p> <p>25 I'm an attorney on behalf of Torch Electronics, Steven</p> <p>54</p>	<p>1 Q. You -- do you remember if it was, say, less</p> <p>2 than \$10,000, more than \$10,000?</p> <p>3 A. I -- I can't. I don't want to -- I can't</p> <p>4 say that. So, I'm not sure. I'm not a hundred</p> <p>5 percent sure. So, I don't want to say --</p> <p>6 Q. Okay.</p> <p>7 A. -- you know, 10 or 20 and I'm not accurate.</p> <p>8 Q. And then for 2022, that -- that was a loss,</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. And do you have a ballpark number for the</p> <p>12 amount of the gambling-related losses for 2022?</p> <p>13 A. I do not.</p> <p>14 Q. And again, wouldn't -- you wouldn't be</p> <p>15 certain whether or not it was more than 10,000 or less</p> <p>16 than 10,000 for 2022?</p> <p>17 A. I don't have that ballpark.</p> <p>18 Q. And then, as far as -- well, let me back up.</p> <p>19 I believe you testified that you aren't sure</p> <p>20 whether or not any of the dev- -- devices that you</p> <p>21 played are, in fact, Torch devices, correct?</p> <p>22 A. Am I sure now?</p> <p>23 Q. Yes.</p> <p>24 A. According to my lawyer, yes.</p> <p>25 Q. Okay. But there -- other than your lawyer's</p> <p>56</p>
<p>1 Miltenberger, and Warrenton Oil. You may -- I may</p> <p>2 repeat some questions. I apologize. But bear with</p> <p>3 me. Okay?</p> <p>4 What's your highest level of education?</p> <p>5 A. Twelfth grade.</p> <p>6 Q. What's that?</p> <p>7 A. Twelfth.</p> <p>8 Q. Okay. You have -- you don't have any</p> <p>9 certifications or anything like that? Any time at a</p> <p>10 college or junior college, anything like that, after</p> <p>11 high school?</p> <p>12 A. No. I don't have any credits or anything.</p> <p>13 I went to Forest Park Community College, but I didn't</p> <p>14 get any credits for it. I dropped out.</p> <p>15 Q. Now, you testified that in the last -- or</p> <p>16 '21 and '22, I think, tax reports, you listed wins or</p> <p>17 losses related to -- to gambling.</p> <p>18 Do you recall were those wins or were those</p> <p>19 losses for those years?</p> <p>20 A. The losses for 2021 and '22.</p> <p>21 Q. They were both losses?</p> <p>22 A. Yes.</p> <p>23 Q. Do you -- do you recall just generally like</p> <p>24 a ballpark number for losses in 2021?</p> <p>25 A. I do not.</p> <p>55</p>	<p>1 statements to you that the machines that you played</p> <p>2 were Torch devices, do you have any other way of</p> <p>3 verifying one way or the other that the devices that</p> <p>4 you played were, in fact, Torch devices?</p> <p>5 A. No, I do not.</p> <p>6 Q. And are you aware that other distributors or</p> <p>7 manufacturers placed similar-looking devices in</p> <p>8 convenience locations throughout the state of Missouri</p> <p>9 in addition to Torch?</p> <p>10 A. Could you say that again?</p> <p>11 Q. Yeah. Are you aware that Torch isn't the</p> <p>12 only company that puts those types, similar looking</p> <p>13 devices in real -- in retail locations in the state of</p> <p>14 Missouri?</p> <p>15 A. No, I -- I don't know. I just know about</p> <p>16 Torch.</p> <p>17 Q. Okay.</p> <p>18 A. I don't know anything about any other</p> <p>19 distributors or anything.</p> <p>20 Q. Did you ever see any labeling on any of the</p> <p>21 devices that you used that led you to believe one way</p> <p>22 or another that they were Torch devices?</p> <p>23 A. No.</p> <p>24 Q. If you look at your Declaration, which I</p> <p>25 believe is Exhibit 8. Yeah. You listed Wellston Food</p> <p>57</p>